



Office of Administrative Services  
FOIA Requester Service Center

May 1, 2019

Ms. Katherine Anthony  
1030 15<sup>th</sup> Street, NW  
Suite B255  
Washington, DC 20005

Dear Ms. Anthony:

This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request (GSA-2019-000464) for:

“[a]ll records reflecting communications (including emails, email attachments, text messages, voicemails, voicemail transcripts, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Facebook messaging, Twitter Direct Messages, or Signal), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) of the agency officials listed below concerning the operations of the Old Post Office Tower during the partial federal government shutdown that commenced on December 22, 2018:

- Political appointees\* in the following offices:
  - o Office of the Administrator
  - o Federal Acquisition Service
  - o Public Buildings Service
  - o Office of Communications and Marketing/Office of Strategic Communications
  - o Office of the General Counsel
- The Regional Administrator for GSA's National Capitol Region
- Any GSA officials responsible for managing the lease agreement between the U.S. Government and Trump Old Post Office LLC,<sup>6</sup> and any supervisors of such GSA Officials.”

Per your subsequent communication with GSA Assistant General Counsel Duane Smith on March 28, 2019, GSA performed a subsequent search for responsive documents using your requested search terms. GSA located additional responsive documents and have included them with this correspondence.

U.S. General Services Administration  
1800 F. Street, Northwest  
Washington, DC 20405  
Telephone: (202) 501-0800  
Fax: (202) 501-2727

Please note that portions of the responsive documents which reflect the agency's deliberative process have been redacted pursuant to the FOIA's fifth (5<sup>th</sup>) exemption, 5 U.S.C. § 552(b)(5). Furthermore, GSA also redacted individuals' cellular telephone numbers per the FOIA's sixth (6<sup>th</sup>) exemption, 5 U.S.C. § 552(b)(6).

This completes action on your request. Should you have questions, please contact Assistant General Counsel Duane Smith at (202) 694-2934 or by email at [duane.smith@gsa.gov](mailto:duane.smith@gsa.gov) for any additional assistance and to discuss any aspect of your FOIA request.

Sincerely,

*Travis Lewis*

Travis Lewis  
Deputy Director  
Office of Accountability and Transparency  
Office of Administrative Services

**IAA Number:** \_\_\_\_\_

GT&C #	Order #	Amendment/Mod #
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**FMS Form 7600A**  
6-10

United States Government  
Interagency Agreement (IAA) – Agreement Between Federal Agencies  
General Terms and Conditions (GT&C) Section

IAA Number \_\_\_\_\_  
GT&C # \_\_\_\_\_ Order # \_\_\_\_\_ Amendment/Mod # \_\_\_\_\_

**9. Estimated Agreement Amount** (The Servicing Agency completes all information for the estimated agreement amount.)  
(Optional for Assisted Acquisitions)

Direct Cost	\$576,191.00
Overhead Fees & Charges	_____
Total Estimated Amount	\$576,191.00

Provide a general explanation of the Overhead Fees & Charges

**10. STATUTORY AUTHORITY**

**a. Requesting Agency's Authority** (Check One)

Franchise Fund	Revolving Fund	Working Capital Fund	Economy Act (31 U.S.C. 1535/FAR 17.5)	Other Authority
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Fill in Statutory Authority Title and Citation for Franchise Fund, Revolving Fund, Working Capital Fund, or Other Authority

**b. Servicing Agency's Authority** (Check One)

Franchise Fund	Revolving Fund	Working Capital Fund	Economy Act (31 U.S.C. 1535/FAR 17.5)	Other Authority
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Fill in Statutory Authority Title and Citation for Franchise Fund, Revolving Fund, Working Capital Fund, or Other Authority

**11. Requesting Agency's Scope** (State and/or list attachments that support Requesting Agency's Scope.)

MOA between GSA and National Parks Service (NPS) to transfer funds to NPS to cover their expenses to operate the OPO clock tower. Initial funding through 12/21/2019 with subsequent mods to be enacted as funds are available to GSA with a proposed annual budget of \$567,191

See Attached Operations Plan and Agreement

**12. Roles & Responsibilities for the Requesting Agency and Servicing Agency** (State and/or list attachments for the roles and responsibilities for the Requesting Agency and the Servicing Agency.)

See Attached Agreement

**United States Government**  
**Interagency Agreement (IAA) – Agreement Between Federal Agencies**  
**General Terms and Conditions (GT&C) Section**

IAA Number \_\_\_\_\_  
GT&C # \_\_\_\_\_ Order # \_\_\_\_\_ Amendment/Mod # \_\_\_\_\_

**13. Restrictions (Optional)** (State and/or attach unique requirements and/or mission specific restrictions specific to this IAA).  
See Attached Agreement

**14. Assisted Acquisition Small Business Credit Clause** (The Servicing Agency will allocate the socio-economic credit to the Requesting Agency for any contract actions it has executed on behalf of the Requesting Agency.)

**15. Disputes:** Disputes related to this IAA shall be resolved in accordance with instructions provided in the Treasury Financial Manual (TFM) Volume I, Part 2, Chapter 4700, Appendix 10; Intragovernmental Business Rules.

**16. Termination** (Insert the number of days that this IAA may be terminated by written notice by either the Requesting or Servicing Agency.)

If this agreement is canceled, any implementing contract/order may also be canceled. If the IAA is terminated, the agencies shall agree to the terms of the termination, including costs attributable to each party and the disposition of awarded and pending actions.

If the Servicing Agency incurs costs due to the Requesting Agency's failure to give the requisite notice of its intent to terminate the IAA, the Requesting Agency shall pay any actual costs incurred by the Servicing Agency as a result of the delay in notification, provided such costs are directly attributable to the failure to give notice.

**17. Assisted Acquisition Agreements – Requesting Agency's Organizations Authorized To Request Acquisition Assistance for this IAA.** (State or attach a list of Requesting Agency's organizations authorized to request acquisition assistance for this IAA.)  
See Attached Agreement

**18. Assisted Acquisition Agreements – Servicing Agency's Organizations authorized to Provide Acquisition Assistance for this IAA.** (State or attach a list of Servicing Agency's organizations authorized to provide acquisition for this IAA.)  
See Attached Agreement

**19. Requesting Agency Clause(s) (Optional)** (State and/or attach any additional Requesting Agency clauses.)  
See Attached Agreement

**United States Government**  
**Interagency Agreement (IAA) – Agreement Between Federal Agencies**  
**General Terms and Conditions (GT&C) Section**

IAA Number \_\_\_\_\_  
GT&C # \_\_\_\_\_ Order # \_\_\_\_\_ Amendment/Mod # \_\_\_\_\_

**20. Servicing Agency Clause(s) (Optional) (State and/or attach any additional Servicing Agency clauses.)**  
See Attached Agreement

**21. Additional Requesting Agency and/or Servicing Agency Attachments (Optional) (State and/or attach any additional Requesting Agency and/or Servicing Agency attachments.)**  
See Attached Agreement

**22. Annual Review of IAA**


By signing this agreement, the parties agree to annually review the IAA if the agreement period exceeds one year. Appropriate changes will be made by amendment to the GT&C and/or modification to any affected Order(s).

**AGENCY OFFICIAL**

The Agency Official is the highest level accepting authority or official as designated by the Requesting Agency and Servicing Agency to sign this agreement. Each Agency Official must ensure that the general terms and conditions are properly defined, including the stated statutory authorities, and, that the scope of work can be fulfilled per the agreement.

The Agreement Period Start Date (Block 5) must be the same as or later than the signature dates.

Actual work for this IAA may NOT begin until an Order has been signed by the appropriate individuals, as stated in the Instructions for Blocks 37 and 38.

23.	Requesting Agency	Servicing Agency
Name	Darren J. Blue 	Lisa Mendelson
Title	Regional Commissioner	Regional Director, NPS
Telephone Number(s)	(202) 294-1628	(202) 297-1338
Fax Number		
Email Address	darren.blue@gsa.gov	lisa_mendelson-ielmini@nps.gov
SIGNATURE		
Approval Date	12/28/2017	

**United States Government**  
**Interagency Agreement (IAA) – Agreement Between Federal Agencies**  
**Order Requirements and Funding Information (Order) Section**

IAA Number \_\_\_\_\_ - \_\_\_\_\_ Servicing Agency's Agreement  
 GT&C # \_\_\_\_\_ Order # \_\_\_\_\_ Amendment/Mod # \_\_\_\_\_ Tracking Number (Optional) \_\_\_\_\_

**PRIMARY ORGANIZATION/OFFICE INFORMATION**

24.	Requesting Agency	Servicing Agency
Primary Organization/Office Name	Public Building Service	US National Park Service
Responsible Organization/Office Address	D Street & 7th Street SW, Washington, DC 20024	900 Ohio Drive SW, Washington, DC 20024

**ORDER/REQUIREMENTS INFORMATION**

**25. Order Action (Check One)**

☒ New

☐ **Modification (Mod)** – List affected Order blocks being changed and explains the changes being made. For Example: for a performance period mod, state new performance period for this Order in Block 27. **Fill out the Funding Modification Summary by Line (Block 26) if the mod involves adding, deleting or changing Funding for an Order Line.**

☐ **Cancellation** – Provide a brief explanation for Order cancellation and fill in the Performance Period End Date for the effective cancellation date.

26. Funding Modification Summary by Line	Line # <u>1</u>	Line # _____	Line # _____	Total of All Other Lines (attach funding details)	Total
Original Line Funding	\$ 144,047.76	\$	\$	\$	\$144,047.76
Cumulative Funding Changes From Prior Mods [addition (+) or reduction (-)]	\$	\$	\$	\$	\$ 0.00
Funding Change for This Mod	\$	\$	\$	\$	\$ 0.00
<b>TOTAL Modified Obligation</b>	<b>\$ 144,047.76</b>	<b>\$ 0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$144,047.76</b>
Total Advance Amount (-)	\$	\$	\$	\$	\$ 0.00
Net Modified Amount Due	\$ 144,047.76	\$0.00	\$0.00	\$ 0.00	\$144,047.76

**27. Performance Period**      Start Date 10-01-2018      End Date 09-30-2019  
 For a performance period mod, insert the start and end dates that reflect the new performance period.      MM-DD-YYYY      MM-DD-YYYY

# IAA Order

IAA Number \_\_\_\_\_ - \_\_\_\_\_  
 GT&C # \_\_\_\_\_ Order # \_\_\_\_\_ Amendment/Mod # \_\_\_\_\_  
 Servicing Agency's Agreement  
 Tracking Number (Optional) \_\_\_\_\_

<b>28. Order Line/Funding Information</b>										<b>Line Number</b> _____							
<b>Requesting Agency Funding Information</b>										<b>Servicing Agency Funding Information</b>							
ALC		47000017								14100099							
Component TAS Required by 10/1/2014	SP	ATA	AID	BPOA	EPOA	A	MAIN	SUB		SP	ATA	AID	BPOA	EPOA	A	MAIN	SUB
OR Current TAS format		47X4542.1								14X1039							
BETC		DISB								COLL							
Object Class Code (Optional)																	
BPN																	
BPN + 4 (Optional)																	
Additional Accounting Classification/Information (Optional)		2019.192X.P1124001.PG61.PGA 61.J74.PX0016602								XXXP1039R6//PPNCNAMA2A//PRCNFNFR6.XZ0 000//PR.RNAMAOPT9.00.1							
Requesting Agency Funding Expiration Date MM-DD-YYYY										Requesting Agency Funding Cancellation Date MM-DD-YYYY							
<b>Project Number &amp; Title</b>																	
<b>Description of Products and/or Services, including the Bona Fide Need for this Order</b> (State or attach a description of products/services, including the bona fide need for this Order.) MOA between GSA and National Parks Service (NPS) to transfer funds to NPS to cover their expenses to operate the OPO clock tower. Initial funding through 12/21/2019 with subsequent mods to be enacted as funds are available to GSA with a proposed annual budget of \$567,191 STATUTORY AUTHORITY: Economy Act																	
North American Industry Classification System (NAICS) Number (Optional) _____																	
<b>Breakdown of Reimbursable Line Costs</b>										<b>OR Breakdown of Assisted Acquisition Line Cost:</b>							
Unit of Measure								Contract Cost		\$							
Quantity	Unit Price	Total						Servicing Fees		\$							
3 months	\$48,015.92	\$ 144,047.76						Total Obligated Cost		\$ 0.00							
Overhead Fees & Charges		\$						Advance for Line (-)		\$							
Total Line Amount Obligated		\$ 144,047.76						Net Total Cost		\$ 0.00							
Advance Line Amount (-)		\$						Assisted Acquisition Servicing Fees Explanation									
Net Line Amount Due		\$ 144,047.76															
<b>Type of Service Requirements</b>																	
<input checked="" type="checkbox"/> Severable Service <input type="checkbox"/> Non-severable Service <input type="checkbox"/> Not Applicable																	

## IAA Order

IAA Number \_\_\_\_\_ - \_\_\_\_\_  
GT&C # \_\_\_\_\_ Order # \_\_\_\_\_ Amendment/Mod # \_\_\_\_\_  
Servicing Agency's Agreement  
Tracking Number (Optional) \_\_\_\_\_

### 29. Advance Information (Complete Block 29 if the Advance Payment for Products/Services was checked "Yes" on the GT&C.)

Total Advance Amount for the Order \$ \_\_\_\_\_ [All Order Line advance amounts (Block 28) must sum to this total.]

Revenue Recognition Methodology (according to SFFAS 7) (Identify the Revenue Recognition Methodology that will be used to account for the Requesting Agency's expense and the Servicing Agency's revenue)

- ☐ Straight-line – Provide amount to be accrued \$ \_\_\_\_\_ and Number of Months \_\_\_\_\_
- ☐ Accrual Per Work Completed – Identify the accounting posting period:
- ☐ Monthly per work completed & invoiced
- ☐ Other – Explain other regular period (bimonthly, quarterly, etc.) for posting accruals and how the accrual amounts will be communicated if other than billed. \_\_\_\_\_

### 30. Total Net Order Amount: \$ 144,047.76

[All Order Line Net Amounts Due for reimbursable agreements and Net Total Costs for Assisted Acquisition Agreements (Block 28) must sum to this total.]

### 31. Attachments (State or list attachments.)

- ☐ Key project and/or acquisition milestones (Optional except for Assisted Acquisition Agreements)

- ☒ Other Attachments (Optional)

See Annual Operating Plan attached as referenced in the Interagency Agreement between both parties

## BILLING & PAYMENT INFORMATION

### 32. Payment Method (Check One) [Intra-governmental Payment and Collection (IPAC) is the Preferred Method.]

If IPAC is used, the payment method must agree with the IPAC Trading Partner Agreement (TPA).

- ☐ Requesting Agency Initiated IPAC ☒ Servicing Agency Initiated IPAC
- ☐ Credit Card ☐ Other – Explain other payment method and reasoning \_\_\_\_\_

### 33. Billing Frequency (Check One)

[An Invoice must be submitted by the Servicing Agency and accepted by the Requesting Agency BEFORE funds are reimbursed (i.e., via IPAC transaction)]

- ☒ Monthly ☐ Quarterly ☐ Other Billing Frequency (include explanation) \_\_\_\_\_

### 34. Payment Terms (Check One)

- ☒ 7 days ☐ Other Payment Terms (include explanation): \_\_\_\_\_

# IAA Order

IAA Number \_\_\_\_\_ - \_\_\_\_\_  
 GT&C # \_\_\_\_\_ Order # \_\_\_\_\_ Amendment/Mod # \_\_\_\_\_  
 Servicing Agency's Agreement  
 Tracking Number (Optional) \_\_\_\_\_

## 35. Funding Clauses/Instructions (Optional) (State and/or list funding clauses/instructions.)

## 36. Delivery/Shipping Information for Products (Optional)

Agency Name	
Point of Contact (POC) Name & Title	
POC Email Address	
Delivery Address /Room Number	
POC Telephone Number	
Special Shipping Information	

## APPROVALS AND CONTACT INFORMATION

### 37. PROGRAM OFFICIALS

The Program Officials, as identified by the Requesting Agency and Servicing Agency, must ensure that the scope of work is properly defined and can be fulfilled for this Order. The Program Official may or may not be the Contracting Officer depending on each agency's IAA business process.

	Requesting Agency	Servicing Agency
Name	Shawn Proctor	Paul Ollig
Title	Branch Chief	Chief, Visitor Services
Telephone Number	(202) 306-7928	(202) 603-8974
Fax Number		
Email Address	Shawn.Proctor@gsa.gov	paul_ollig@nps.gov
SIGNATURE	SHAWN PROCTOR <small>Digitally signed by SHAWN PROCTOR Date: 2018.12.21 09:20:34 -05'00'</small>	
Date Signed		

**38. FUNDING OFFICIALS** - The Funds Approving Officials, as identified by the Requesting Agency and Servicing Agency, certify that the funds are accurately cited and can be properly accounted for per the purposes set forth in the Order. The Requesting Agency Funding Official signs to obligate funds. The Servicing Agency Funding Official signs to start the work, and to bill, collect, and properly account for funds from the Requesting Agency, in accordance with the agreement.

	Requesting Agency	Servicing Agency
Name	Kevin J Ward	Lee Smith
Title	Supervisory Budget Analyst	Acting Financial Manager
Telephone Number	(202) 525-9277	(202) 245-4677
Fax Number		
Email Address	kevin.ward@gsa.gov	lee_smith@nps.gov
SIGNATURE		
Date Signed		

# IAA Order

IAA Number \_\_\_\_\_ - \_\_\_\_\_  
 GT&C # \_\_\_\_\_ Order # \_\_\_\_\_ Amendment/Mod # \_\_\_\_\_  
 Servicing Agency's Agreement  
 Tracking Number (Optional) \_\_\_\_\_

## CONTACT INFORMATION

### FINANCE OFFICE Points of Contact (POCs)

The finance office points of contact must ensure that the payment (Requesting Agency), billing (Servicing Agency), and advance/accounting information are accurate and timely for this Order.

39.	Requesting Agency (Payment Office)	Servicing Agency (Billing Office)
Name		
Title		
Office Address		
Telephone Number		
Fax Number		
Email Address		
Signature & Date (Optional)		

### 40. ADDITIONAL Points of Contacts (POCs) (as determined by each Agency)

This may include CONTRACTING Office Points of Contact (POCs).

	Requesting Agency	Servicing Agency
Name	Darryl Speller	
Title	Supervisory Building Manager	
Office Address	1200 Pennsylvania Ave N.W. Washington DC, 20004	
Telephone Number	(202) 603-4877	
Fax Number		
Email Address	Darryl.Speller@gsa.gov	
Signature & Date (Optional)		
Name		
Title		
Office Address		
Telephone Number		
Fax Number		
Email Address		
Signature & Date (Optional)		
Name		
Title		
Office Address		
Telephone Number		
Fax Number		
Email Address		
Signature & Date (Optional)		



## INTERAGENCY AGREEMENT

**Between the  
U.S. GENERAL SERVICES ADMINISTRATION,  
PUBLIC BUILDINGS SERVICE  
and the  
U.S. DEPARTMENT OF THE INTERIOR,  
NATIONAL PARK SERVICE,  
NATIONAL MALL AND MEMORIAL PARKS**

### **I. Purpose**

The purpose of this Interagency Agreement between the U.S. General Services Administration (GSA) and the U.S. Department of the Interior, National Park Service, National Mall and Memorial Parks (NPS) is to carry out the obligations of GSA and NPS (Parties, each individually, Party) as defined in Section 4 of Public Law 98-1, 97 Stat. 4 (Feb. 15, 1983)(the Act), which directed GSA to "...execute an agreement with the Secretary of the Interior providing for operation of the observation tower...by the National Park Service and further providing...for transfer to the National Park Service...such sums as may be necessary to operate the observation tower." The Old Post Office Tower (Tower) is listed on the National Register of Historic Places pursuant to 54 U.S.C. Chapter 3021, and is a primary element in the Pennsylvania Avenue National Historic Site. The tower is part of the Old Post Office Building (OPO), which is located on the southeast corner of Pennsylvania Avenue and 12th Street, NW, Washington, D.C. In August 2013, a 60-year ground lease was signed between GSA and the Trump Organization to redevelop the OPO and operate it as a hotel.

### **II. Roles**

GSA administers the OPO Building and leases it to the Trump Organization, which has the primary responsibility for the overall management of the OPO Building pursuant to the ground lease referenced above. The NPS is solely responsible for providing visitor services for the Tower, as described below.

### **III. Responsibilities**

The Parties mutually agree:

1. The Tower shall be operated in a manner consistent with the requirements of the Act, this Agreement, and the annual NPS Operations Plan and Budget (Plan and Budget) described below.
2. Any operational concerns regarding the Tower noted by either Party shall be brought to the attention of the other Party and shall be resolved in a timely and mutually acceptable manner. Both parties agree to use their best efforts to resolve any concerns and cooperate in good faith.

#### **A. NPS will provide:**

1. Education and interpretation services for visitors to the Tower. The GSA and NPS shall mutually agree upon the hours and operational conditions of the Tower in the

- annual Plan and Budget, described below. GSA will not require NPS to host, plan, or staff any special events or alter its normal operations to accommodate any hotel special events. Any special events allowed by GSA or its lessee should not impact the normal business operations of the Tower nor should the NPS incur any additional expenses such as overtime to accommodate them. Special events will not be allowed in the NPS office areas, only in the visitor areas of the OPO Tower.
2. Identification of any additional design needs for the visitor spaces on the ground, 9<sup>th</sup>, 10<sup>th</sup>, and 12<sup>th</sup> floors of the Tower.
  3. Proposed modifications, alterations, and construction plans for space alterations to GSA for review and written approval to ensure the integrity of the historical character of the Tower and its fixtures.
  4. An annual Plan and Budget to be submitted to GSA by each July 15th for the following fiscal year. The Plan and Budget will be reviewed and approved by GSA by September 1st for the following fiscal year's operation and attached following the last page of this agreement. Any modification to the Plan and Budget must be mutually agreed upon in writing by the Parties. Upon enactment of GSA's appropriation, operating funds will be transferred to the NPS/NAMA within 30 days per section "VI. Funding".
    - a. The Plan and Budget will provide:
      - i. Proposals and estimated costs for exhibits or other visual aids to interpret key themes of the site such as planning and development of the Nation's Capital; the L'Enfant Plan; Pennsylvania Avenue National Historic Site; historic places, national landmarks, and cityscape; historic preservation; the OPO Building and Tower; and the Ditchley Bells of Congress;
      - ii. Operational staffing needs and costs;
      - iii. Hours of operation; and,
      - iv. A plan for potential volunteer services and/or partnerships to support NPS operations.
    - b. Each fiscal year's Plan and Budget shall be deemed to be incorporated into this Agreement by reference
    - c. Public information services for the NPS activities in the Tower.
  5. Coordination with the Washington Ringing Society for the ringing of the Ditchley Bells of Congress on holidays and on special occasions, as well as weekly practice sessions.
  6. Reasonable notice of all activities of the NPS at the Tower that may affect GSA or the Trump Organization.
  7. Visitor and staff safety in a manner consistent with NPS safety and management policies, in areas assigned to NPS at the Tower. This will include following the 25-person maximum occupancy limit for the Tower.
  8. Coordination with GSA contractors providing services relating to the Tower, consistent with NPS management responsibility.

9. An Occupant Emergency Plan for the NPS-operated space to be approved by GSA.

10. Notice when NPS elects to furnish services or events outside the scope of this agreement.

**B. GSA will provide:**

1. Finished spaces in the ground floor waiting area, the 9<sup>th</sup>, 10<sup>th</sup>, and 12<sup>th</sup> floors of the Tower including adequate public access (including access for those with disabilities) to elevator facilities to all levels, as well as equipment necessary for the presentation of approved NPS activities related to the Old Post Office Building and Tower and the Pennsylvania Avenue National Historic Site. GSA agrees to future improvements of the finishes for the public spaces on the 9<sup>th</sup> floor as funding is available, to the extent consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties and permitted under the Programmatic Agreement entered into between GSA, NPS, and other parties on May 23, 2013, pursuant to Sections 106, 110, and 111 of the National Historic Preservation Act, 54 U.S.C. §§ 306108, 306107, 306121, and 306122.

Recommended finishes include the following:

- a. all hallways from the 9<sup>th</sup> floor elevator entrance through the hall/balcony area in and around the bell ringer space and back hall areas will include a 12"x24" tile in running bond pattern by Dal-Tile, Invoke Colorbody Porcelain, Sheer Glow ID01 with matching grout;
  - b. the bell ringer platform to have a 24" border around the entire platform of the same floor tile, and a carpet insert by Mohawk Group, Bending earth line, Caliber tile, color Feldspar – 7858;
  - c. base trim in these spaces shall be a wood base, one-piece of similar profile to Smoot Lumber Company Baseboard #163E - 9/16" x 5-1/4" throughout; door and window casing shall be wood, one-piece of similar profile to Smoot Lumber Company Adams Casing #97 - 1-1/16" x 3-1/2".
2. Design recommendations and approvals for any modifications to the visitor spaces in the waiting area on the ground floor, 9<sup>th</sup>, 10<sup>th</sup>, and 12<sup>th</sup> floors of the Old Post Office Tower. Such recommendations may be submitted to the NPS for review and comment.
3. The NPS operation and staffing funds as agreed to in the Plan and Budget. This amount will be agreed to by the Superintendent of National Mall and Memorial Parks each year preceding the beginning of the affected fiscal year and will be documented by GSA.
4. Maintenance services including elevator maintenance, repair and rehabilitation of space and audiovisual equipment in all areas assigned to the NPS, lighting, electrical, plumbing, painting, and miscellaneous fit and finish needs and all outside signs at no expense to the NPS. These services and repairs shall be completed in a timely manner so as not to affect the operation of the Tower. Any

mutually agreed-upon exceptions must be funded through the Plan and Budget.

5. Janitorial services for NPS occupied office and visitor spaces to include trash pickup, vacuuming, sweeping, restroom cleaning, etc.
6. All utility services (electricity, heat, air conditioning, water, local phone services and a reasonable cost of long distance services), reasonably necessary for NPS operations in accordance with agreed-upon services.
7. Public restrooms on the ground floor accessible to all visitors, including those with disabilities, and provisions for emergency public restroom use by visitors or NPS/staff in the 9<sup>th</sup> floor NPS space.
8. Reasonable notice of all activities GSA is aware of that may affect NPS activities at the Tower.
9. The identification of cost effective measures, mutually agreed upon by both parties, for providing Tower services to ensure continued public services and access.
10. The design, construction, and installation of interpretive exhibits for the visually impaired visitors and will manage the contracting requirements and coordinate with the NPS on content and design.
11. Assistance to NPS, as needed, in collaborating with the Trump Organization on the building-wide Occupant Emergency Plan and the Occupant Emergency Plan for the NPS-specific space.
12. Security services for the NPS-occupied Clock Tower space.
13. GSA shall comply with 36 CFR part 1191, Appendices C and D (Architectural Barriers Act Chapters 1 and 2, and Chapters 3 through 10) to provide a fully accessible or approved alternative visitor experience throughout the Tower. During the term of this agreement GSA will complete an independent feasibility study to examine the modification or removal of the tiered concrete structure on the 12th floor to bring the observation tower into compliance. GSA will also produce and make publicly available a video about the tower experience to be installed with the exhibits, for visitors with accessibility needs who cannot access the observation tower. GSA will share the results of the feasibility study with NPS.

GSA shall comply with all emergency egress requirements throughout the Old Post Office Tower, including the public and staff spaces. GSA agrees to ensure necessary modifications are made to areas that do not currently meet the egress requirements of National Fire Protection Association 101 - The Life Safety Code, or GSA shall provide alternate means and methods to meet the intent of the Life Safety Code as approved by the Authority Having Jurisdiction (GSA Fire Protection Engineering Team).

#### **IV. Term of Agreement**

This agreement will commence on the date of the last signature affixed by GSA or NPS and will remain in effect until September 30, 2019, at which time the Agreement may be renewed upon the written agreement of both Parties, such writing to contain the new term and be attached to this Agreement. Consistent with the provisions of the Act, or any other superseding law or regulation, either Party may terminate this agreement upon 90-day notification to the other Party.

#### **V. Assignment**

No transfer or assignment of this Agreement, or of any part thereof or interest therein, directly or indirectly, voluntarily or involuntarily, shall be made unless such transfer or assignment is first approved in writing by the Parties.

#### **VI. Funding**

Pursuant to Part III, Responsibilities (A)(4) of the agreement, the approved annual operating plan provides funding for fiscal year 2019. Funding will be transferred via a 7600B, United States Government Interagency Agreement Form, to NPS and is not provided in advance of expenditures. Expenditures charged toward this agreement will not exceed the approved annual operating plan. If expenditures are projected to exceed the originally approved annual operating plan, a modification to the annual operating plan will be submitted by NPS to GSA for concurrence.

Due to continuing resolution constraints, funding will be provided by GSA to NPS on a periodic basis using the form 7600B. This document will be used for the justification and transfer of funds and expenditures between parties for the period of time listed on the 7600B, section 27, and funding provided for in the same period, not to exceed the approved annual operating plan for the applicable fiscal year.

#### **VII. Accounting and Billing**

Accounting: Accounting information will be provided in the 7600B, section 28 with reference to the Agency Location Code, Treasury Account Symbol, ordering activity DUNS code, and supplemental accounting information.

Billing: Billing information will be provided in the form 7600B, sections 32 through 34. Expenditures will cease to be collected 6 months after the fiscal year due to administrative changes in expenditures from the applicable fiscal year in which they were charged are made.

#### **VIII. Liability**

Each Party agrees to assume responsibility for any and all claims resulting from the acts or omissions of its employees or representatives, to the greatest extent permitted by law. In the event a claim is brought under the Federal Tort Claims Act, 28 U.S.C. 2671 *et seq.*, (FTCA), it shall be the responsibility of the Party receiving the claim to coordinate with the other Party regarding responsibility to investigate any such claim, to issue an administrative

determination as required by the FTCA, and to assist in the defense of any litigation arising from any such claim, and the other Party to cooperate in this effort.

## IX. General

1. Nothing herein contained shall be construed as binding the United States to expend in any one fiscal year any sum in excess of appropriations made by Congress for the purpose of this Agreement for that fiscal year, or to involve the United States in any contract or other obligation for the further expenditure of money in excess of such appropriations.
2. No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.
3. GSA and NPS agree that the term "days", as used in this Agreement, means Federal business days.
4. GSA and NPS agree to provide contact information, updated annually, for key contacts in both organizations, including those staff who are responsible for operation and maintenance of the tower. Each Party will include as key contacts those managers who are able to make decisions and support resolution of disputes related to operation and maintenance of the Tower.

## X. Approval

For the National Park Service

\_\_\_\_\_  
Lisa Mendelson  
Regional Director  
National Mall and Memorial Parks

\_\_\_\_\_  
Date

For the U.S. General Services Administration

\_\_\_\_\_  
  
Darren J. Blue  
Regional Commissioner  
Public Buildings Service  
National Capital Region

\_\_\_\_\_  
12/28/2018  
Date

Public Law 98-1  
98th Congress

## An Act

To designate a "Nancy Hanks Center" and the "Old Post Office Building" in Washington, District of Columbia, and for other purposes.

Feb. 15, 1983

[S. 61]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress hereby finds and declares—

(1) Nancy Hanks served as Chairman of the National Endowment for the Arts from 1969 to 1977 and during that period presided with distinction over a substantial increase in support for the arts in the United States;

(2) she provided wise leadership in defining a proper role for the Federal Government in the cultural life of the Nation, and safeguarding the creative integrity of artists and arts institutions against Government interference;

(3) her wide-ranging interests in the arts, including architecture, led her to promote initiatives to improve the quality of Federal buildings and to work tirelessly to secure the preservation and renovation of the Old Post Office Building as a headquarters for Federal cultural agencies and as a site for cultural and commercial activities that would enliven the building and its surroundings; and

(4) the renovation of the Old Post Office Building, its occupancy in this year 1983 by Federal cultural agencies and commercial enterprises and its impending use for public performances and exhibits are due in large measure to the foresightedness, persuasiveness, intellect, and vigor of Nancy Hanks.

SEC. 2. There is hereby designated the "Nancy Hanks Center" in Washington, District of Columbia, comprising the building located on the south side of Pennsylvania Avenue, Northwest, between Eleventh and Twelfth Streets which is known as and hereby designated the "Old Post Office Building", the plaza adjoining said building to the east and other immediately adjacent grounds, and the public use spaces within the Old Post Office Building, which include but are not limited to the commercial and performing areas known as the Pavilion and the clock-observation tower.

SEC. 3. (a) The Administrator of General Services, in consultation with the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities, shall erect at suitable locations at the Nancy Hanks Center appropriate markers or displays commemorating the accomplishments of Nancy Hanks in the fields of government and culture and describing her actions and those of others in Government and private life that led to the renovation and mixed-use development of the Old Post Office Building.

(b) The Administrator of General Services is authorized to expend for the purposes of subparagraph (a) of this section a sum not to exceed \$50,000 available in any fiscal year out of revenues and collections deposited into the fund established pursuant to section

Nancy Hanks  
Center; Old Post  
Office Building.  
Designation.

Markers or  
displays.

Appropriation  
authorization.

40 USC 490.

Observation  
tower, operation.

210(f) of the Federal Property and Administrative Services Act of 1949, as amended, and any additional contributions of money provided to him by private individuals or organizations for these purposes within six months of enactment of this Act.

SEC. 4. The Administrator of General Services shall execute an agreement with the Secretary of the Interior providing for operation of the observation tower in the Old Post Office Building by the National Park Service and further providing, if necessary, for transfer to the National Park Service in fiscal year 1983 and each succeeding fiscal year, out of revenues and collections from the Old Post Office Building deposited into the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended, such sums as may be necessary to operate the observation tower.

Approved February 15, 1983.

#### LEGISLATIVE HISTORY—S. 61:

CONGRESSIONAL RECORD, Vol. 129 (1983):

Jan. 27, considered and passed Senate.

Feb. 2, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 19, No. 7 (1983):

Feb. 15, Presidential statement.

**Subject:** Fwd: Additional Background on the OPO Observation Tower  
**Date:** Fri, 11 Jan 2019 14:28:39 -0500  
**From:** Jeff Post - S <jeffrey.post@gsa.gov>  
**To:** Daniel Mathews - P <daniel.mathews@gsa.gov>, Michael Gelber - PD <michael.gelber@gsa.gov>, Rob Borden - AC <robert.borden@gsa.gov>  
**Cc:** Donna Garland - ZC <donna.garland@gsa.gov>  
**Message-ID:** <CAK9jB5N07hvMHTAmCtSGCXDW7XedD6g6D7+FOK+xy=ZDk5zsEg@mail.gmail.com>  
**MD5:** 78f87e8c6c4ef609ed8dd1290c13ae65

----- Forwarded message -----

From: **Doomes, Elliot** <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)>  
Date: Fri, Jan 11, 2019 at 2:10 PM  
Subject: RE: Additional Background on the OPO Observation Tower  
To: Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)>

Yes it's an exhibit in the OPO lease agreement. Section 2.6 of the lease agreement governs the Observation tower and it references Exhibit Q that is the interagency agreement between GSA and NPS.

**From:** Jeff Post - S [mailto:[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)]  
**Sent:** Friday, January 11, 2019 2:05 PM

**To:** Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)>  
**Subject:** Re: Additional Background on the OPO Observation Tower

Hi Elliot,

In your third question, what exhibit Q are you referring to? Is it to a provision in the outlease to the hotel?

Thanks,

Jeff

On Fri, Jan 11, 2019 at 1:43 PM Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)> wrote:

Two follow up questions

1. From which account is GSA paying for the NPS Park Rangers? And is it the same account that was used prior to the shutdown?
2. Has anyone asked the Park Rangers currently on duty if they were working in 2013 and whether they were furloughed?
3. Pursuant to Exhibit Q of the OPO agreement which specifically states that GSA is not required to spend money in excess of appropriations made by Congress for that year to operate the tower, how does GSA claim that they are obligated to keep the tower open during a lapse in appropriations?

**From:** Jeff Post - S [mailto:[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)]

**Sent:** Tuesday, January 08, 2019 5:50 PM

**To:** Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)>

**Subject:** Re: Additional Background on the OPO Observation Tower

Hi Elliot,

I just spoke with PBS. Excepted (at-work) PBS staff are not aware of any shutdown occurring at the site in 2013. The only stoppages they are aware of are the event last month and the temporary closure during the construction at the OPO. PBS is still looking into it to see if they can identify any further information/documentation to substantiate any shutdowns/furloughs or lack thereof and plan to ask furloughed staff if they are aware of anything as those staff become available to speak to.

I'll keep checking in with them and let you know if I learn anything more.

Jeff

On Tue, Jan 8, 2019 at 3:29 PM Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)> wrote:

When do you expect to be able to provide an answer to the request?

**From:** Jeff Post - S [mailto:[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)]

**Sent:** Tuesday, January 08, 2019 10:45 AM

**To:** Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)>

**Subject:** Re: Additional Background on the OPO Observation Tower

Hi Elliot,

PBS is looking into it, I've not learned an answer yet.

I will let you know once I've heard back.

On Tue, Jan 8, 2019 at 10:40 AM Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)> wrote:

Hi Jeff,

Can you answer the question below?

**From:** Doomes, Elliot

**Sent:** Monday, January 07, 2019 6:35 PM

**To:** 'Jeff Post - S' <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)>

**Subject:** RE: Additional Background on the OPO Observation Tower

Hi Jeff,

I was trying to determine whether GSA paid for the NPS Park Rangers during the 2013 shutdown. Were they furloughed through the duration of the 2013 shutdown?

**From:** Jeff Post - S [<mailto:jeffrey.post@gsa.gov>]  
**Sent:** Monday, January 07, 2019 6:33 PM  
**To:** Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)>  
**Subject:** Re: Additional Background on the OPO Observation Tower

Hi Elliot,

The 2012 MOA runs through 10/1/13 and the 2014 MOA picks up from that date.

Jeff

On Mon, Jan 7, 2019 at 6:13 PM Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)> wrote:

Jeff,

Thank you for providing this information. I will review the MOUs.

Did GSA pursue the same arrangement for the operation of the Observation tower in 2013?

**From:** Jeff Post - S [<mailto:jeffrey.post@gsa.gov>]  
**Sent:** Monday, January 07, 2019 5:46 PM  
**To:** Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)>  
**Subject:** Additional Background on the OPO Observation Tower

Hi Elliot,

As we discussed on the phone, attached please find four of the most recent MOAs with NPS regarding the Old Post Office observation tower. As you will notice in the documents, while there are some minor differences between the documents, in general they are pretty consistent and very few, if any, changes have been made over the years to the responsibilities section. I'd also note that there is a gap for 2015, which I have been told is due to construction temporarily closing the tower. With regard to the decision to reopen the tower, that decision was made by regional PBS leadership (and you can see on the new MOA that it was signed by the NCR PBS Regional Commissioner).

Additionally, I wanted to provide share a prepared statement we have on this issue:

The recent closing and reopening of the observation tower at GSA's Old Post Office facility was unrelated to the facility's tenant.

Since 1983, GSA has been required by law (P.L. 98-1) to enter into an agreement with the National Park Service (NPS) for operating the observation tower. The law also authorizes GSA to pay NPS for this service from the Federal Buildings Fund. Balances within the Federal Buildings Fund remain available to operate federal facilities, as needed, until they are expended,

notwithstanding a lapse in appropriations.

As a result, NPS operations of the observation tower remained funded even though NPS experienced a lapse in appropriations.

Upon realization of the observation tower closure, GSA advised NPS that operations at the observation tower would continue to be funded. In this process, it was discovered that the interagency agreement required by the 1983 law had expired earlier in the year. GSA and NPS subsequently renewed the interagency agreement, and NPS resumed operation of the tower as required by law.

To clarify one part of the above, the available balances refers to carryover funds in the building operations account within the FBF.

Thanks,

Jeff

--

Jeffrey Post

Associate Administrator

Office of Congressional and Intergovernmental Affairs

U.S. General Services Administration

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(m) (b)(6)

--

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**Subject:** Fwd: Old Post Office Questions - Responses  
**Date:** Mon, 7 Jan 2019 11:36:43 -0500  
**From:** Jeff Post - S <jeffrey.post@gsa.gov>  
**To:** Tim Tozer - LR <timothy.tozer@gsa.gov>  
**Cc:** Michael Gelber - PD <michael.gelber@gsa.gov>, "Jack St. John - A" <jack.stjohn@gsa.gov>  
**Message-ID:** <CAK9jB5N-ns2vqRe8JpyL+bo1\_4\_QcXR0sHSyGnXb8BcRwybBZA@mail.gmail.com>  
**MD5:** f32315dd93fa443060ebbb23a68bd137  
**Attachments:** CC040124\_singed MOA\_12.28.18.pdf ; CC040124\_signed IAA\_12.28.18.pdf

Hey Tim,

House Appropriations Majority has asked for a copy of our most recent MOA with NPS on the OPO tower, which is attached. Are there any challenges to providing it to him? PBS is also looking into when the MOA was last changed (aside from the dates).

Separately, in reading the IAA (also attached), could you confirm my understanding that we are obligating the funds to cover 3 months of NPS operations, but still only paying NPS in arrears for services rendered, correct?

Thanks,

Jeff

----- Forwarded message -----

From: **Michael Gelber - PD** <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)>  
Date: Fri, Jan 4, 2019 at 10:52 AM  
Subject: Re: Old Post Office Questions - Responses  
To: Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)>

Existing MOA attached:

On Fri, Jan 4, 2019 at 10:36 AM Michael Gelber - PD <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)> wrote:

Sorry.

Yes, always paid from this account.

This iteration of this work started in 2017.

On Fri, Jan 4, 2019, 10:35 Michael Gelber - PD <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)> wrote:

Yes.

On Fri, Jan 4, 2019, 10:17 Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

Thanks. Do we know if these bills were always paid out of the building operations miscellaneous account?

On Fri, Jan 4, 2019 at 10:06 AM Michael Gelber - PD <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)> wrote:

1) First Contact with NPS Regarding Employee Status

E-mail of 12/21/2018 (Friday) to PBS NCR is the initial indication from NPS of a staffing change.

PBS began to address this issue on 12/26/2018 (Wednesday after four day holiday weekend).

From: **Paul Ollig**<[paul\\_ollig@nps.gov](mailto:paul_ollig@nps.gov)>  
Date: Fri, Dec 21, 2018, 11:22 AM  
Subject: OPOT  
To: <[darryl.speller@gsa.gov](mailto:darryl.speller@gsa.gov)>  
Cc: Robin Nixon <[robin\\_nixon@nps.gov](mailto:robin_nixon@nps.gov)>, Mike Litttrst <[mike\\_litterst@nps.gov](mailto:mike_litterst@nps.gov)>

Hi Darryl,  
As per our phone conversation this morning, in the event of a lapse of funding at midnight tonight, no NPS personnel will be working at the Old Post Office Tower for the duration of the shutdown. We will ensure that computers and lights are turned off and office doors are secured tomorrow morning, but then no NPS personnel will return until the government reopens.

Thanks,  
Paul Ollig  
Chief of Interpretation and Education  
National Mall and Memorial Parks2) Billing Activity

NPS bills GSA for the service it provides at the Old Post Office.

These bills do not appear to follow a regular schedule/cycle.

GSA has no unpaid invoices for these services.

The CY 2018 billing summary is provided below:

Document Number	Document Date	Document Amount
MW20180212000	2/12/2018	\$24,825.18
MW20180312000	3/12/2018	\$74,970.69
MW20180413000	4/13/2018	\$8,404.13
MW20180917000	9/17/2018	\$182,515.96
MW20181023000	10/23/2018	\$59,163.03
MW20181113002	11/13/2018	\$3,420.25
		\$353,299.24

3) Initial Bill

GSA's records present NPS bills to GSA for these services since 2003. (GSA's existing financial systems do not have records prior to 2003.)--



MICHAEL GELBER  
DEPUTY COMMISSIONER  
PUBLIC BUILDINGS SERVICE  
U.S. GENERAL SERVICES ADMINISTRATION  
202.501.1100

michael.gelber@gsa.gov      www.gsa.gov

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J e f f r e y   P o s t

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J e f f r e y   P o s t

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**Subject:** Fwd: OPO Clock Tower Q&A  
**Date:** Thu, 7 Feb 2019 19:04:05 -0500  
**From:** Jeff Post - S <jeffrey.post@gsa.gov>  
**To:** Emily Murphy - A <emily.murphy@gsa.gov>  
**Message-ID:** <CAK9jB5MZEu\_U5+Zo+c6umfY7VYQ=skMSa2FnbF1fZ\_h0UK70\_Q@mail.gmail.com>  
**MD5:** ad3fc0a36bc9d3c2a22bc8afb233cbc3

(b)(5)

?

----- Forwarded message -----

From: **Andrew Blaylock - S** <[andrew.blaylock@gsa.gov](mailto:andrew.blaylock@gsa.gov)>  
Date: Thu, Feb 7, 2019 at 9:17 AM  
Subject: OPO Clock Tower Q&A  
To: Saul Japson <[saul.japson@gsa.gov](mailto:saul.japson@gsa.gov)>, Jeff Post - A <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)>

Q: Did the President and or the Trump Organisation request that GSA keep open the clock tower at the Old Post Office during the shutdown last month?

A: The recent closing and reopening of the observation tower at GSA's Old Post Office facility was unrelated to the facility's tenant.

Q: Why did the clock tower initially close and then reopen?

A: Since 1983, GSA has been required by law (P.L. 98-1) to enter into an agreement with the National Park Service (NPS) for operating the observation tower.

The law also authorizes GSA to pay NPS for this service from the Federal Buildings Fund. Balances within the Federal Buildings Fund remain available to operate federal facilities, as needed, until they are expended, notwithstanding a lapse in appropriations.

As a result, NPS operations of the observation tower remained funded even though NPS experienced a lapse in appropriations. Upon realization of the observation tower closure, GSA advised NPS that operations at the observation tower would continue to be funded. Additionally, GSA and NPS renewed the expired interagency agreement, and NPS resumed operation of the tower as required by law.

Andrew Blaylock

Office of Congressional and Intergovernmental Affairs  
U.S. General Services Administration  
1800 F Street, N.W.  
Washington, D.C. 20405  
Office: 202.969.7189  
Email: [Andrew.Blaylock@gsa.gov](mailto:Andrew.Blaylock@gsa.gov)

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Jeffrey Post

Associate Administrator  
Office of Congressional and Intergovernmental Affairs  
U.S. General Services Administration  
(t) (202) 969-7250  
(m) (b)(6)

**Subject:** Fwd: URGENT Washington Post on Historic Clock Tower funding  
**Date:** Fri, 25 Jan 2019 11:05:19 -0800  
**From:** Pam Dixon - ZM <pamela.dixon@gsa.gov>  
**To:** robert.borden@gsa.gov, michael.gelber@gsa.gov, "Jack St. John - A" <jack.stjohn@gsa.gov>, jeffrey.post@gsa.gov, mark.mchale@gsa.gov  
**Message-ID:** <CAMFu\_ =Q6QdsmdJ-89S9ufVSSQxi-ZXNM3=0\_\_ZR7ANRkFhL7FA@mail.gmail.com>  
**MD5:** d01153e97a09fb9aef7d0f824dd60173

Am I correct saying that “thousands of properties are in the Building Services account (within the FBF), and those properties have been funded thus far during the shutdown.

Michael - can we give a general # of properties in Building Services account? Like, more than 5,000? More than 6,000?

**Pamela A. Dixon**

Press Secretary  
Deputy Associate Administrator for Media Affairs  
Office of Strategic Communication  
U.S. General Services Administration  
[202-412-2192](tel:202-412-2192)  
[pamela.dixon@gsa.gov](mailto:pamela.dixon@gsa.gov)

Begin forwarded message:

**From:** "Shaban, Hamza" <[Hamza.Shaban@washpost.com](mailto:Hamza.Shaban@washpost.com)>  
**Date:** January 25, 2019 at 1:57:08 PM EST  
**To:** Pamela Dixon - ZM <[pamela.dixon@gsa.gov](mailto:pamela.dixon@gsa.gov)>  
**Subject:** RE: URGENT Washington Post on Historic Clock Tower funding

One follow up for you, Pamela.

You said that GSA oversees 8000+ properties, and that those properties are funded through the FBF. But how many of those properties are still being funded through the shutdown? Is it all of them, or some portion? If it's not all of them, and you can't provide a specific number can we have a range or some increment like hundreds or thousands or more than 6,000 etc.

Thanks

**From:** Shaban, Hamza  
**Sent:** Friday, January 25, 2019 1:32 PM  
**To:** 'Pamela Dixon - ZM' <[pamela.dixon@gsa.gov](mailto:pamela.dixon@gsa.gov)>  
**Subject:** RE: URGENT Washington Post on Historic Clock Tower funding

Hi Pamela,

Will do. And thanks for your response. I sent it to my editors and will let you know when the story is published or if we have any follow ups.

**From:** Pamela Dixon - ZM [<mailto:pamela.dixon@gsa.gov>]  
**Sent:** Friday, January 25, 2019 1:30 PM  
**To:** Shaban, Hamza <[Hamza.Shaban@washpost.com](mailto:Hamza.Shaban@washpost.com)>  
**Subject:** Re: URGENT Washington Post on Historic Clock Tower funding

[EXTERNAL EMAIL]

Can you please send a link when the story posts?

Thanks,

**Pamela A. Dixon**

Press Secretary

Deputy Associate Administrator for Media Affairs

Office of Strategic Communication

U.S. General Services Administration

[202-412-2192](tel:202-412-2192)

[pamela.dixon@gsa.gov](mailto:pamela.dixon@gsa.gov)

On Fri, Jan 25, 2019 at 1:02 PM Pamela Dixon - ZM <[pamela.dixon@gsa.gov](mailto:pamela.dixon@gsa.gov)> wrote:

Hi Hamza,

The Old Post Office Clock Tower (Clock Tower) is one of 8,000+ properties GSA manages across the country, which are funded through the Federal Buildings Fund (F B F) Services to operate the Clock Tower, along with thousands of other G S A properties, are paid through the Building Services account within the F B F. The Building Services account has remained funded thus far during the partial shutdown, and all bills due under that account are paid accordingly and treated the same. G S A will continue to treat all properties and accounts in accordance with the law and our operating procedures.

In 1983, Congress directed GSA to work with the National Park Service (NPS) to provide visitor services at the Clock Tower ([see P.L. 98-1 \[govinfo.gov\]](https://www.govinfo.gov/pds2/?docId=98100)). As a result, and as outlined in section 4 of P.L. 98-1, G S A pays N P S with funds from the Building Services account to provide staff at the Clock Tower.

The Clock Tower is a GSA site, not a NPS property. Therefore, as explained above, the status and funding of the Clock Tower is unrelated to any N P S properties. G S A does not have insight into N P S' actions or decision making regarding its sites and personnel.

GSA will continue to evaluate the operational status of its 8000+ properties as we monitor the availability of funds within the F B F during the partial government shutdown.

Thanks,  
Pamela

**Pamela A. Dixon**

Press Secretary

Deputy Associate Administrator for Media Affairs

Office of Strategic Communication

U.S. General Services Administration

[202-412-2192](tel:202-412-2192)

[pamela.dixon@gsa.gov](mailto:pamela.dixon@gsa.gov)

----- Forwarded message -----

From: **Shaban, Hamza** <[Hamza.Shaban@washpost.com](mailto:Hamza.Shaban@washpost.com)>

Date: Fri, Jan 25, 2019 at 10:36 AM

Subject: URGENT Washington Post on Historic Clock Tower funding

To: [amanda.osborn@gsa.gov](mailto:amanda.osborn@gsa.gov) <[amanda.osborn@gsa.gov](mailto:amanda.osborn@gsa.gov)>

Hello Amanda,

My name is Hamza Shaban and I am a reporter with the Washington Post.

We are working on a story about the clock tower at the Old Post Office Building remaining open despite the shutdown extending to its second moth.

We think this merits a full explanation and I'm writing to ask if you can explain where staff funding is coming from, how this decision was made and other key details:

- 1) GSA said earlier this month that it is authorized to pay the NPS to keep the observation tower open, even though NPS's funds have lapsed. GSA says this money comes from the Federal Buildings Fund, which is "primarily supported by rent paid to GSA from other federal entities." Is that correct?
- 2) GSA said it can use FBF money as needed to operate federal facilities. Is that correct?
- 3) Has GSA used FBF money or any other special funds to keep any other federal sites open? If so, which ones?
- 4) Can you explain how NPS staff at the clock tower are being paid?
- 5) Can you explain why GSA chose to fund the clock tower site while the majority of other NPS sites remain closed and many other federal buildings/services remain unfunded?
- 6) How was the decision made to keep the clock tower site open?
- 7) Critics, including Rep. Betty McCollum, have raised questions regarding the legality and ethics of the clock tower shutdown funding. Is there anything you can tell us that could explain why this arrangement should be seen in a normal light?
- 8) Does GSA plan to continue to fund the clock tower site indefinitely? The president has said that the shutdown could last for months or even years.

We ask that you respond by 1pm EST.

Thank you for your help.

Hamza

Hamza Shaban  
Technology Reporter  
The Washington Post  
Cell: (b)(6)

Desk: 202.334.7367  
[@hshaban \[twitter.com\]](#)

--

**Amanda Osborn**

Media Affairs, Office of Strategic Communication

U.S. General Services Administration (GSA)

(202) 793-0197 | [amanda.osborn@gsa.gov](mailto:amanda.osborn@gsa.gov)

**Subject:** Media Inquiry - Old Post Office Tower operations - NewsWeek - Invitation to edit  
**Date:** Thu, 03 Jan 2019 16:57:54 +0000  
**From:** "Amanda Osborn - ZMM (via Google Docs)" <drive-shares-noreply@google.com>  
**To:** emily.murphy@gsa.gov  
**Cc:** daniel.mathews@gsa.gov, donna.garland@gsa.gov, mark.mchale@gsa.gov, michael.gelber@gsa.gov, robert.borden@gsa.gov  
**Message-ID:** <000000000000ed45a0057e90a93f@google.com>  
**MD5:** 4a2db50e13cfea880171e1d6297836a6

[amanda.osborn@gsa.gov](mailto:amanda.osborn@gsa.gov) has invited you to **edit** the following document:

(b)(5)

Draft follow up response to queries about the Old Post Officer Tower ready for review and approval.

Thanks,  
Amanda

(b)(5)

Google Docs: Create and edit documents online.  
Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA  
You have received this email because someone shared a document with you from Google Docs.

**Subject:** Media Inquiry - Old Post Office Tower operations - NewsWeek  
**Date:** Thu, 03 Jan 2019 14:49:00 -0800  
**From:** "Donna Garland - ZC (Google Docs)" <d+MTAxMzcxMTExNzY2NDg1OTU3MTI3-MTA5NTAxMzQ2MjcZnUxMTYwMDQ5@docs.google.com>  
**To:** robert.borden@gsa.gov  
**Message-ID:** <yVi0MFuRcPSTGr1vhbvLZw.0@notifications.google.com>  
**MD5:** 58fe1d03eb7e893e1af4c093b798b147

Donna Garland - ZC resolved comments in (b)(5)  
Resolved

(b)(5)

Comments



Amanda Osborn - ZMM

On 12/22, NPS shut down as a result of the partial funding lapse and operations on the clock tower ceased that same day. GSA worked with NPS to address the funding source for the personnel supporting the site immediately following the holidays and the facility re-opened on 12/29. The Old Power Office Tower is not a National Parks Service facility, is it under control of GSA and operating pursuant of Law PL98-1.

[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov) +[brett.banks@gsa.gov](mailto:brett.banks@gsa.gov) +[mark.mchale@gsa.gov](mailto:mark.mchale@gsa.gov) +  
[donna.garland@gsa.gov](mailto:donna.garland@gsa.gov) +[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)  
+[robert.borden@gsa.gov](mailto:robert.borden@gsa.gov)

draft response for review and approval



Michael Gelber - PD

[darren.blue@gsa.gov](mailto:darren.blue@gsa.gov)  
+[dawn.stalter@gsa.gov](mailto:dawn.stalter@gsa.gov)  
+[brett.banks@gsa.gov](mailto:brett.banks@gsa.gov)  
+[timothy.tozer@gsa.gov](mailto:timothy.tozer@gsa.gov)

Please review for accuracy.



Dawn Stalter - WPB

[rhonda.cook@gsa.gov](mailto:rhonda.cook@gsa.gov) Can you please confirm the sequence of events?



Michael Gelber - PD

[daniel.mathews@gsa.gov](mailto:daniel.mathews@gsa.gov)



Donna Garland - ZC

Marked as resolved

[ReplyOpen](#)



Rob Borden - AC

The referenced facility remains open as the funds needed to operate the Old Post Office tower are not associated with the current fiscal year's (FY 2019) appropriations bill.

(b)(5)



Tim Tozer - LR

Sort of---see my note above.



Donna Garland - ZC

Marked as resolved


[ReplyOpen](#)

**Subject:** Media Inquiry - OPO clock tower operations - Washington Post  
**Date:** Fri, 25 Jan 2019 09:27:23 -0800  
**From:** "Pam Dixon - ZM (Google Docs)" <d+MTAxMzcxMTExNzY2NDg1OTU3MTI3-MTEyNTMyMzgWnJAxMDQwNDM2OTQz@docs.google.com>  
**To:** robert.borden@gsa.gov  
**Message-ID:** <yhHfyAl3SGo2SElu0Thrug.0@notifications.google.com>  
**MD5:** 202dabdc76aa1b5676a8a45ed642e714

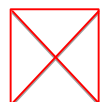
Pam Dixon - ZM resolved action items in   
**Resolved**

2 action items   
  
Resolved

Action Items


 **Rob Borden - AC**  
is not an NPS site

(b)(5) think the point here is that the source of funding for this site is different from other NPS sites. We don't have any insight into what the funding for other NPS sites are or NPS's decision making.  
*Assigned to Pam Dixon - ZM*

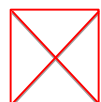
 **Pam Dixon - ZM**  
Yes. Tried to clarify.

 **Pam Dixon - ZM**  
*Marked as done*

[ReplyOpen](#)

 **Rob Borden - AC**  
During the partial government shutdown, GSA has continued to treat all accounts under the FBF the same.

(b)(5) I think this isn't quite right. The FBF has many accounts. The particular account we pay for this out of is funded and we continue pay all bills normal out of it.  
*Assigned to Pam Dixon - ZM*

 **Pam Dixon - ZM**  
Slightly modified.

 **Pam Dixon - ZM**  
*Marked as done*

[ReplyOpen](#)

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

You have received this email because you are a participant in the updated discussion threads.[Change what Google Docs sends you.](#)You can not reply to this email.

**Subject:** Old Post Office Questions - Responses  
**Date:** Fri, 4 Jan 2019 10:06:05 -0500  
**From:** Michael Gelber - PD <michael.gelber@gsa.gov>  
**To:** Rob Borden - AC <robert.borden@gsa.gov>  
**Cc:** Daniel Mathews - PBS <daniel.mathews@gsa.gov>, LaFondra Lynch - 4P <lafondra.lynch@gsa.gov>, Darren Blue - WP <darren.blue@gsa.gov>, Dawn Stalter - BPA <dawn.stalter@gsa.gov>, Mark Mchale - Z <mark.mchale@gsa.gov>, Amanda Osborn - Z <amanda.osborn@gsa.gov>, Jeff Post - S <jeffrey.post@gsa.gov>, Tim Tozer - LR <timothy.tozer@gsa.gov>  
**Message-ID:** <CAOf79dSFjA+4pHsnLii5crSaB62oMiT6Dyzb+VJWqcZ9LoFnew@mail.gmail.com>  
**MD5:** b162e5c8c2d6821bdef9dbd2faec493a

1) First Contact with NPS Regarding Employee Status

E-mail of 12/21/2018 (Friday) to PBS NCR is the initial indication from NPS of a staffing change.

PBS began to address this issue on 12/26/2018 (Wednesday after four day holiday weekend).

From: **Paul Ollig**<[paul\\_ollig@nps.gov](mailto:paul_ollig@nps.gov)>  
Date: Fri, Dec 21, 2018, 11:22 AM  
Subject: OPOT  
To: <[darryl.speller@gsa.gov](mailto:darryl.speller@gsa.gov)>  
Cc: Robin Nixon <[robin\\_nixon@nps.gov](mailto:robin_nixon@nps.gov)>, Mike Littorst <[mike\\_litterst@nps.gov](mailto:mike_litterst@nps.gov)>

Hi Darryl,  
As per our phone conversation this morning, in the event of a lapse of funding at midnight tonight, no NPS personnel will be working at the Old Post Office Tower for the duration of the shutdown. We will ensure that computers and lights are turned off and office doors are secured tomorrow morning, but then no NPS personnel will return until the government reopens.

Thanks,  
Paul Ollig  
Chief of Interpretation and Education  
National Mall and Memorial Parks2) Billing Activity

NPS bills GSA for the service it provides at the Old Post Office.

These bills do not appear to follow a regular schedule/cycle.

GSA has no unpaid invoices for these services.

The CY 2018 billing summary is provided below:

Document Number	Document Date	Document Amount
MW20180212000	2/12/2018	\$24,825.18
MW20180312000	3/12/2018	\$74,970.69
MW20180413000	4/13/2018	\$8,404.13
MW20180917000	9/17/2018	\$182,515.96
MW20181023000	10/23/2018	\$59,163.03
MW20181113002	11/13/2018	\$3,420.25

\$353,299.24

3) Initial Bill

GSA's records present NPS bills to GSA for these services since 2003. (GSA's existing financial systems do not have records prior to 2003.)--



MICHAEL GELBER  
DEPUTY COMMISSIONER  
PUBLIC BUILDINGS SERVICE  
U.S. GENERAL SERVICES ADMINISTRATION  
202.501.1100

michael.gelber@gsa.gov      www.gsa.gov

**Subject:** Re: Additional Background on the OPO Observation Tower  
**Date:** Fri, 11 Jan 2019 17:01:07 -0500  
**From:** Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)>  
**To:** Mark McHale - Z <[mark.mchale@gsa.gov](mailto:mark.mchale@gsa.gov)>  
**Cc:** Amanda Osborn - Z <[amanda.osborn@gsa.gov](mailto:amanda.osborn@gsa.gov)>, Daniel Mathews - PBS <[daniel.mathews@gsa.gov](mailto:daniel.mathews@gsa.gov)>, Donna Garland - Z <[donna.garland@gsa.gov](mailto:donna.garland@gsa.gov)>, Michael Gelber - PD <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)>, Rob Borden - AC <[robert.borden@gsa.gov](mailto:robert.borden@gsa.gov)>  
**Message-ID:** <CAK9jB5N-baEJZ2q1aFHMvfAd6zffxu-AAXJhU2swN6CnwmzLgg@mail.gmail.com>  
**MD5:** e64b1286f8fb9ffa3a61262c1e146064

Email sent. Thanks all.

On Fri, Jan 11, 2019 at 4:55 PM Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

Ok I will make that change and send.

Thanks!

On Fri, Jan 11, 2019 at 4:52 PM Mark McHale - Z <[mark.mchale@gsa.gov](mailto:mark.mchale@gsa.gov)> wrote:

Thanks all; lots of solid team work.

And special thanks to Donna and Amanda this week as I've been battling Flu-mageddon!

Enjoy the upcoming weekend,  
Mark

On Fri, Jan 11, 2019 at 4:48 PM Michael Gelber - PD <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)> wrote:

In #1, change "IAA" to "Interagency Agreement".

Otherwise looks good.

On Fri, Jan 11, 2019 at 4:45 PM Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

Just confirming, any objections before I hit send?

On Fri, Jan 11, 2019 at 4:30 PM Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

For final review:

(b)(5)

[REDACTED]

[REDACTED]

(b)(5)

Thanks,

Jeff

On Fri, Jan 11, 2019 at 4:17 PM Michael Gelber - PD <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)> wrote:

To ensure we are all on the same page, please send a clean version of the current final draft.

On Fri, Jan 11, 2019, 16:02 Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

So, with all edits, all on board for me to send?

On Fri, Jan 11, 2019 at 3:33 PM Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

Agreed.

On Fri, Jan 11, 2019 at 3:28 PM Rob Borden - AC <[robert.borden@gsa.gov](mailto:robert.borden@gsa.gov)> wrote:

Thx - that works better.



U.S. General Services Administration

**Robert Borden**

Chief of Staff

On Fri, Jan 11, 2019 at 3:24 PM Michael Gelber - PD <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)> wrote:

(b)(5)

| \_\_\_\_\_

| \_\_\_\_\_

On Fri, Jan 11, 2019 at 3:10 PM Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

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| \_\_\_\_\_

| \_\_\_\_\_

| \_\_\_\_\_

On Fri, Jan 11, 2019 at 2:48 PM Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

| \_\_\_\_\_

Once that is confirmed, is everyone good with me sending?

On Fri, Jan 11, 2019 at 2:43 PM Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

Sorry about that, accidentally hit send.

Revised answers based on input:

| \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

On Fri, Jan 11, 2019 at 2:33 PM Daniel Mathews - P <[daniel.mathews@gsa.gov](mailto:daniel.mathews@gsa.gov)> wrote:

\_\_\_\_\_

\_\_\_\_\_

On Fri, Jan 11, 2019 at 2:24 PM Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

FYI more questions from Elliot.

Here are my proposed answers:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

----- Forwarded message -----  
From: **Doomes, Elliot** <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)>  
Date: Fri, Jan 11, 2019 at 1:43 PM  
Subject: RE: Additional Background on the OPO Observation Tower  
To: Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)>

Two follow up questions

1. From which account is GSA paying for the NPS Park Rangers? And is it the same account that was

used prior to the shutdown?

2. Has anyone asked the Park Rangers currently on duty if they were working in 2013 and whether they were furloughed?
3. Pursuant to Exhibit Q of the OPO agreement which specifically states that GSA is not required to spend money in excess of appropriations made by Congress for that year to operate the tower, how does GSA claim that they are obligated to keep the tower open during a lapse in appropriations?

**From:** Jeff Post - S [mailto:[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)]

**Sent:** Tuesday, January 08, 2019 5:50 PM

**To:** Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)>

**Subject:** Re: Additional Background on the OPO Observation Tower

Hi Elliot,

I just spoke with PBS. Excepted (at-work) PBS staff are not aware of any shutdown occurring at the site in 2013. The only stoppages they are aware of are the event last month and the temporary closure during the construction at the OPO. PBS is still looking into it to see if they can identify any further information/documentation to substantiate any shutdowns/furloughs or lack thereof and plan to ask furloughed staff if they are aware of anything as those staff become available to speak to.

I'll keep checking in with them and let you know if I learn anything more.

Jeff

On Tue, Jan 8, 2019 at 3:29 PM Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)> wrote:

When do you expect to be able to provide an answer to the request?

**From:** Jeff Post - S [mailto:[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)]

**Sent:** Tuesday, January 08, 2019 10:45 AM

**To:** Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)>

**Subject:** Re: Additional Background on the OPO Observation Tower

Hi Elliot,

PBS is looking into it, I've not learned an answer yet.

I will let you know once I've heard back.

On Tue, Jan 8, 2019 at 10:40 AM Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)> wrote:

Hi Jeff,

Can you answer the question below?

**From:** Doomes, Elliot  
**Sent:** Monday, January 07, 2019 6:35 PM  
**To:** 'Jeff Post - S' <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)>  
**Subject:** RE: Additional Background on the OPO Observation Tower

Hi Jeff,

I was trying to determine whether GSA paid for the NPS Park Rangers during the 2013 shutdown. Were they furloughed through the duration of the 2013 shutdown?

**From:** Jeff Post - S [<mailto:jeffrey.post@gsa.gov>]  
**Sent:** Monday, January 07, 2019 6:33 PM  
**To:** Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)>  
**Subject:** Re: Additional Background on the OPO Observation Tower

Hi Elliot,

The 2012 MOA runs through 10/1/13 and the 2014 MOA picks up from that date.

Jeff

On Mon, Jan 7, 2019 at 6:13 PM Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)> wrote:

Jeff,

Thank you for providing this information. I will review the MOUs.

Did GSA pursue the same arrangement for the operation of the Observation tower in 2013?

**From:** Jeff Post - S [<mailto:jeffrey.post@gsa.gov>]  
**Sent:** Monday, January 07, 2019 5:46 PM  
**To:** Doomes, Elliot <[Elliot.Doomes@mail.house.gov](mailto:Elliot.Doomes@mail.house.gov)>  
**Subject:** Additional Background on the OPO Observation Tower

Hi Elliot,

As we discussed on the phone, attached please find four of the most recent MOAs with NPS regarding the Old Post Office observation tower. As you will notice in the documents, while there are some minor differences between the documents, in general they are pretty consistent and very few, if any, changes have been made over the years to the responsibilities section. I'd also note that there is a gap for 2015, which I have been told is due to construction temporarily closing the tower. With regard to the decision to reopen the tower, that decision was made by regional PBS leadership (and you can see on the new MOA that it was signed by the NCR PBS Regional Commissioner).

Additionally, I wanted to provide share a prepared statement we have on this issue:

The recent closing and reopening of the observation tower at GSA's Old Post Office facility was unrelated to the facility's tenant.

Since 1983, GSA has been required by law (P.L. 98-1) to enter into an agreement with the National Park Service (NPS) for operating the observation tower. The law also authorizes GSA to pay NPS for this service from the Federal Buildings Fund. Balances within the Federal Buildings Fund remain available to operate federal facilities, as needed, until they are expended, notwithstanding a lapse in appropriations.

As a result, NPS operations of the observation tower remained funded even though NPS experienced a lapse in appropriations.

Upon realization of the observation tower closure, GSA advised NPS that operations at the observation tower would continue to be funded. In this process, it was discovered that the interagency agreement required by the 1983 law had expired earlier in the year. GSA and NPS subsequently renewed the interagency agreement, and NPS resumed operation of the tower as required by law.

To clarify one part of the above, the available balances refers to carryover funds in the building operations account within the FBF.

Thanks,

Jeff

--

Jeffrey Post

Associate Administrator

Office of Congressional and Intergovernmental Affairs

U.S. General Services Administration

(t) (202) 969-7250

(m) | \_\_\_\_\_  
--

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[Daniel W. Mathews](#)  
[Commissioner](#)  
[Public Buildings Service](#)  
[General Services Administration](#)  
[202-501-1100](#) --

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--

**Mark M. McHale**  
*Associate Administrator*

Office of Strategic Communication  
General Services Administration  
[1800 F Street NW, Washington, DC 20405](#)

Cell:

--

Jeffrey Post

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Jeffrey Post

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(m) ( )

**Subject:** Re: Media Inquiry - Old Post Office Tower operations - NewsWeek  
**Date:** Thu, 3 Jan 2019 21:44:27 -0500  
**From:** Mark McHale - Z <mark.mchale@gsa.gov>  
**To:** Daniel Mathews - P <daniel.mathews@gsa.gov>  
**Cc:** Rob Borden - AC <robert.borden@gsa.gov>, Jeff Post - S <jeffrey.post@gsa.gov>  
**Message-ID:** <CAKy8ZocraO9S1P-njyvF70TpVm4X2nyP+wHopAS5KKMDN2rkrw@mail.gmail.com>  
**MD5:** 8fc3ea0c7034aebeac869bce5510e413

Thanks Rob; we're all feeling collective pain. I'll be in early on Fri. and we will land this quickly, accurately and completely. Mark

Sent from my iPhone

On Jan 3, 2019, at 9:32 PM, Daniel Mathews - P <[daniel.mathews@gsa.gov](mailto:daniel.mathews@gsa.gov)> wrote:

I'll get on it first thing.

On Thu, Jan 3, 2019 at 8:53 PM Rob Borden - AC <[robert.borden@gsa.gov](mailto:robert.borden@gsa.gov)> wrote:

Dan,

I need you to focus on this in the morning - OCS, OCIA and myself aren't getting all the answers we need to respond to the inquiries we're getting. NCR PBS has known about this since 12/26. CO has known about this for two days and we still don't have a clear set of facts about how the OPO Tower is operated, funded and what the hell went on from 12/26 to 12/29. I just deleted several paragraphs venting about this that I intended to send to Gelber, Darren and others but decided against sending. Gelber provided a timeline in writing, which helped and seems to be firm but it is missing too much detail for us to be able to confidently answer media and congressional inquiries. The fact that we aren't able to answer these inquiries is making us look suspicious when there's nothing to see except perhaps some bureaucratic incompetence.

Mark,

I rewrote the latest statement Donna sent back this evening (text below). We have to be able to communicate more clearly than this. I know more about this than anyone we'd be sending it to and our draft statements confuse me. What I rewrote may be helpful if the latest set of facts and assumptions I have are accurate. I'm going with the last thing Gelber told me, which is that this contract is NOT funded from lease proceeds. However, I notice in the comments that Tozer is saying it is paid with lease proceeds.

Sorry for bitching at everyone - but our inability to quickly get a complete and accurate picture of the situation so that we could respond in a timely way is really hurting the agency here.

Funding for National Park Service's (NPS) [operation of OPO Tower] have been

contracts] through funds available within the [Federal Buildings Fund] including the Old

Post Office Tower contract.

The Old Post Office Tower is a GSA facility, operated as a service contract by the

National Park Service (NPS). GSA's interactions with NPS at the Old Post Office Tower

are governed by Public Law 98-1, enacted on February 15, 1983.

On 12/22, NPS furloughed employees due to the partial funding lapse and operations at

the tower ceased as a result. Immediately following the Christmas holidays, GSA

worked with NPS to clarify that GSA would continue to fund the [service contract] for

operations at the facility. Consequently, NPS reopened the site on 12/29. All decisions

related to furloughing and recalling NPS personnel are made by NPS.

On Thu, Jan 3, 2019 at 5:51 PM Donna Garland - ZC (Google Docs) <[d+](#)

wrote:

Donna Garland - ZC resolved comments in

[d](#)

2 comments

Resolved

Comments



Amanda Osborn - ZMM

|  
|

[michael.gelber@gsa.gov](#) +[brett.banks@gsa.gov](#) +[mark.mchale@gsa.gov](#) +  
[donna.garland@gsa.gov](#) +[jeffrey.post@gsa.gov](#)  
+[robert.borden@gsa.gov](#)

draft response for review and approval



Michael Gelber - PD  
[darren.blue@gsa.gov](#)  
+[dawn.stalter@gsa.gov](#)  
+[brett.banks@gsa.gov](#)  
+[timothy.tozer@gsa.gov](#)

Please review for accuracy.



**Dawn Stalter - WPB**

Can you please confirm the sequence of events?



**Michael Gelber - PD**



**Donna Garland - ZC**  
*Marked as resolved*

[ReplyOpen](#)



**Rob Borden - AC**

The referenced facility remains open as the funds needed to operate the Old Post Office tower are not associated with the current fiscal year's (FY 2019) appropriations bill.



**Tim Tozer - LR**  
Sort of---see my note above.



**Donna Garland - ZC**  
*Marked as resolved*

[ReplyOpen](#)

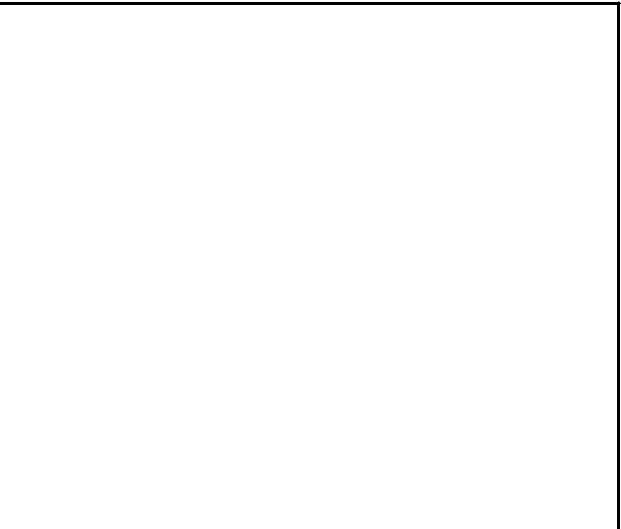
Google LLC, [1600 Amphitheatre Parkway, Mountain View, CA 94043, USA](#)

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U.S. General Services Administration



**Robert Borden**

Chief of Staff

--

[Daniel W. Mathews](#)  
[Commissioner](#)  
[Public Buildings Service](#)  
[General Services Administration](#)  
[202-501-1100](#)

**Subject:** Re: Old Post Office - GSA/NPS MOAs x3  
**Date:** Mon, 7 Jan 2019 16:48:05 -0500  
**From:** Tim Tozer - LR <timothy.tozer@gsa.gov>  
**To:** Jeff Post - S <jeffrey.post@gsa.gov>  
**Cc:** Michael Gelber - PD <michael.gelber@gsa.gov>, Donna Garland - Z <donna.garland@gsa.gov>, Daniel Mathews - PBS <daniel.mathews@gsa.gov>, LaFondra Lynch - 4P <lafondra.lynch@gsa.gov>, Darren Blue - WP <darren.blue@gsa.gov>, Dawn Stalter - BPA <dawn.stalter@gsa.gov>, Mark Mchale - Z <mark.mchale@gsa.gov>, Amanda Osborn - Z <amanda.osborn@gsa.gov>, "Jack St. John - A" <jack.stjohn@gsa.gov>, Rob Borden - AC <robert.borden@gsa.gov>  
**Message-ID:** <CAMtUTPF34w7UgGs39PyLt1gjevrewS2uHJ5A+-Zh\_VgCbC0F8nA@mail.gmail.com>  
**MD5:** 5ef0bfd73f98fb5c25a4fcc37ec30737

Jeff,

I have no objection to the statement or documents being shared. |

| -

| -

### **2018 Annual Appropriation Act**

Amounts in the Fund, including revenues and collections deposited into the Fund, shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings.....

\*\*\*\*\*

\$2,221,766,000 for building operations to remain available until expended, of which \$1,146,089,000 is for building services, and \$1,075,677,000 is for salaries and expenses:

### **Timothy C. Tozer**

Deputy Associate General Counsel  
Real Property Division  
(202) 708-9882

On Mon, Jan 7, 2019 at 4:26 PM Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

All, I would like to send the below email to House Appropriations by 5pm today to close this issue out, if possible. By that time, if you could please let me know if you have any edits/objection or are good to go it would be greatly appreciated. Thanks, Jeff

Hi Elliot,

As we discussed on the phone, attached please find four of the most recent MOAs with NPS regarding the Old Post Office observation tower. As you will notice in the documents, while there are some minor differences between the documents, in general they are pretty consistent and very few, if any, changes have been made over the years to the responsibilities section. I'd also note that there is a gap between the 2013 and 2017 MOAs, which I have been told is due to the construction that had temporarily closed the tower. With regard to the decision to reopen the tower, that decision was made by regional PBS leadership (and you can see on the new MOA that it was signed by the NCR PBS Regional Commissioner).

Additionally, I wanted to provide share a prepared statement we have on this issue:

The recent closing and reopening of the observation tower at GSA's Old Post Office

facility was unrelated to the facility's tenant.

Since 1983, GSA has been required by law (P.L. 98-1) to enter into an agreement with

the National Park Service (NPS) for operating the observation tower. The law also

authorizes GSA to pay NPS for this service from the Federal Buildings Fund. Balances

within the Federal Buildings Fund remain available to operate federal facilities, as

needed, until they are expended, notwithstanding a lapse in appropriations.

As a result, NPS operations of the observation tower remained funded even though

NPS experienced a lapse in appropriations.

Upon realization of the observation tower closure, GSA advised NPS that operations at

the observation tower would continue to be funded. In this process, it was discovered

GSA and NPS subsequently renewed the interagency agreement, and NPS resumed

operation of the tower as required by law.

To clarify one part of the above, the available balances refers to carryover funds in the building operations account within the FBF.

Thanks,

Jeff

On Mon, Jan 7, 2019 at 1:49 PM Tim Tozer - LR <[timothy.tozer@gsa.gov](mailto:timothy.tozer@gsa.gov)> wrote:

Agree with Michael. Please work with Seth Greenfeld or Duane Smith on redactions if sharing with press.

**Timothy C. Tozer**

Deputy Associate General Counsel  
Real Property Division  
(202) 708-9882

On Mon, Jan 7, 2019 at 1:23 PM Michael Gelber - PD <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)> wrote:

On Mon, Jan 7, 2019, 13:07 Donna Garland - ZC <[donna.garland@gsa.gov](mailto:donna.garland@gsa.gov)> wrote:

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On Mon, Jan 7, 2019 at 12:59 PM Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

Thanks Michael,

After reviewing them all |

\_\_\_\_\_

Jeff

On Mon, Jan 7, 2019 at 12:55 PM Michael Gelber - PD <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)> wrote:

Adding a 2009 version.

Total now four.

On Mon, Jan 7, 2019 at 11:52 AM Michael Gelber - PD <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)> wrote:

Attaching three GSA/NPS MOAs regarding the Old Post Office tower (Washington, DC): one is dated 2012/2013, one 2017 and one 2018.

The 2018 version is the one currently in effect.

PBS NCR is looking for additional versions of this document.

--



MICHAEL GELBER  
DEPUTY COMMISSIONER  
PUBLIC BUILDINGS SERVICE  
U.S. GENERAL SERVICES ADMINISTRATION  
202.501.1100

[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)      [www.gsa.gov](http://www.gsa.gov)

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michael.gelber@gsa.gov      www.gsa.gov

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Jeffrey Post

Associate Administrator  
Office of Congressional and Intergovernmental Affairs  
U.S. General Services Administration  
(t) (202) 969-7250  
(m) \_\_\_\_\_

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Jeffrey Post

Associate Administrator  
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(t) (202) 969-7250  
(m) \_\_\_\_\_

**Subject:** Re: Shutdown question  
**Date:** Thu, 3 Jan 2019 09:36:33 -0500  
**From:** Brett Banks - WPXB <brett.banks@gsa.gov>  
**To:** Michael Gelber - PD <michael.gelber@gsa.gov>  
**Cc:** Jeff Post - S <jeffrey.post@gsa.gov>, Mark Mchale - Z <mark.mchale@gsa.gov>, Amanda Osborn - Z <amanda.osborn@gsa.gov>, Daniel Mathews - PBS <daniel.mathews@gsa.gov>, Darren Blue - WP <darren.blue@gsa.gov>, Dawn Stalter - BPA <dawn.stalter@gsa.gov>  
**Message-ID:** <CAJ-OXtUbgnTZKkX14DPkZPRwQHU\_LHLi9\_bV+aPJD8ScBy8kew@mail.gmail.com>  
**MD5:** 3314c124521f152f77b6efa6b4d8f65d  
**Attachments:** PL 98-1 - OPO - Nancy Hanks Center.pdf

Michael, Quick clarification. The NPS operates the Clock Tower pursuant to Public 98-1 (attached herein), which is referenced in the OPO GL for the operation of the Clock Tower Space. So while I would want legal to officially weigh in, I think that law requires we work with NPS to operate the Tower.  
Brett

On Thu, Jan 3, 2019 at 9:32 AM Michael Gelber - PD <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)> wrote:

\_\_\_\_\_

The tower is GSA property. NPS is GSA's agent. GSA could have hired anyone to perform this work.

On Thu, Jan 3, 2019, 09:22 Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

I'm good with the revised text for the press.

\_\_\_\_\_

\_\_\_\_\_

Thanks,

Jeff

On Thu, Jan 3, 2019 at 9:07 AM Michael Gelber - PD <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)> wrote:

Resending to ensure all have both sentences:

\_\_\_\_\_

On Thu, Jan 3, 2019, 08:29 Michael Gelber - PD <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)> wrote:

Proposing the following revised answer:

On Thu, Jan 3, 2019, 08:06 Michael Gelber - PD <[michael.gelber@gsa.gov](mailto:michael.gelber@gsa.gov)> wrote:

Have received several media questions on this issue as well.

Proposed response has been:

On Thu, Jan 3, 2019, 07:49 Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

Adding Dan too.

Diana has asked if we can get her an answer this morning if possible

Thanks

On Thu, Jan 3, 2019 at 7:33 AM Jeff Post - S <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)> wrote:

Hey Michael,

Do you have the answer to this?

----- Forwarded message -----

From: **Jeff Post - S** <[jeffrey.post@gsa.gov](mailto:jeffrey.post@gsa.gov)>

Date: Thu, Jan 3, 2019 at 7:33 AM

Subject: Re: Shutdown question

To: Hamilton, Diana (Appropriations) <[Diana\\_Hamilton@appro.senate.gov](mailto:Diana_Hamilton@appro.senate.gov)>

Hi Diana, I will look into that and get you an answer today.

Jeff

On Wed, Jan 2, 2019 at 9:21 PM Hamilton, Diana (Appropriations)

<[Diana\\_Hamilton@appro.senate.gov](mailto:Diana_Hamilton@appro.senate.gov)> wrote:

Hi Jeffrey,

I understand that GSA pays for the bell tower in the Trump Hotel to be kept open via an interagency agreement with the National Park Service and that it is open during the shutdown. Is that correct? Whose decision is that?

Thanks,  
Diana --

Jeffrey Post

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